

REMARKS

Claim Status

Claims 1-2 and 20-37 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 20 are amended herein. Claim 20 is amended to current antecedent basis. Support for the amendment to claim 1 can be found, for example, on page 19 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection under 35 U.S.C. 103(a) as being unpatentable over Barkalow in view of Yatka et al. (US 5458892 A), Leung et al. (US 6596298) and Barkalow et al. (US 2004/0096569)

Claims 1 - 7 and 9 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkalow in view of Yatka et al. (US 5458892 A), Leung et al. (US 6596298) and Barkalow et al. (US 2004/0096569). This rejection is traversed and reconsideration is respectfully requested.

First, Applicants note that of the claims listed in the Office Action as being rejected as stated above, only claims 1 and 2 are currently pending. Applicants submit the Office Action fails to provide a *prima facie* case of obviousness for amended independent claim 1. For example, the Office Action has pointed to no teaching in the references with respect to the edible film dissolves in an oral cavity during use in about 1 hour to about 8 hours. In order to establish a *prima facie* case of obviousness, the Office Action must show the invention, as a whole, would have been obvious to a person of skill in the art at the time of invention. MPEP §2142. As the Office Action has failed to point to teachings in the references of all of the limitations of independent claim 1, Applicants submit claim 1, and claim 2 which depends thereon, are non-obvious over the art as cited and respectfully request reconsideration.

Appl. No. 10/810,940
Docket No. 9191M
Amdt. dated December 9, 2010
Reply to Office Action mailed on September 14, 2010
Customer No. 27752

Rejection under 35 U.S.C. 103(a) as being unpatentable over Barkalow et al (US 2004/0096569).

Claims 1-2 and 20-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkalow et al (US 2004/0096569). This rejection is traversed and reconsideration is respectfully requested.

Applicants submit the Office Action fails to provide a *prima facie* case of obviousness for amended independent claim 1. For example, the Office Action has pointed to no teaching in the references with respect to the edible film dissolves in an oral cavity during use in about 1 hour to about 8 hours. In order to establish a *prima facie* case of obviousness, the Office Action must show the invention, as a whole, would have been obvious to a person of skill in the art at the time of invention. MPEP §2142. As the Office Action has failed to point to teachings in the references of all of the limitations of independent claim 1, Applicants submit claim 1 and those claims dependent thereon are non-obvious over the art as cited and respectfully request reconsideration.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied documents. In view of the foregoing, reconsideration of this application and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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